

<b>FILED</b>
Date _____
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Clerk _____
Comm. Amdt. _____
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**AMENDMENT NO.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 2817\***

**House Bill No. 2619**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-39-102, is amended by inserting the following as a new, appropriately designated item:

( ) "Community" means the geographical area and/or population within the boundaries of a district attorney general's district.

SECTION 2. Tennessee Code Annotated, Section 40-39-106(c), is amended by deleting the following words and punctuation:

; provided, that the TBI or a local law enforcement agency may release relevant information deemed necessary to protect the public concerning a specific sexual offender who is required to register pursuant to this chapter.

and by substituting instead the following words and punctuation:

; provided, that the TBI or a local law enforcement agency may release relevant information deemed necessary to protect the community concerning a specific sexual offender who was convicted of a sexual offense prior to January 1, 1997, and who is thereby required to register pursuant to this chapter. With respect to a specific sexual offender who is convicted of a sexual offense on or after January 1, 1997, and who is thereby required to register pursuant to this chapter, any such release of information deemed necessary to protect:

(1) the community, which includes the offender's place of residence, shall be undertaken by the district attorney general whose district includes the offender's place of residence; and

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(2) the community, which includes the offender's place of employment, shall be undertaken by the district attorney general whose district includes the offender's place of employment.

Such release of information by the district attorney general shall be undertaken in accordance with the provisions of Section 3 of this act. Nothing contained within this section or Section 3 of this act shall be construed to prevent any state or local law enforcement agency from providing public notification concerning any person, who poses a danger, under circumstances other than those specifically addressed by the provisions of this act.

SECTION 3. Tennessee Code Annotated, Title 40, Chapter 39, Part 1, is amended by adding the following as a new section immediately following Section 40-39-106, and by renumbering subsequent sections accordingly:

Utilizing procedures authorized by and developed pursuant to Tennessee Code Annotated, Title 39, Chapter 13, Part 7, the sex offender treatment board, created in §39-13-704, shall evaluate the risk of re-offense for each sexual offender who is convicted of a sexual offense on or after January 1, 1997, and who is thereby required to register pursuant to this chapter. Such evaluation shall be performed prior to or near the offender's initial registration pursuant to this chapter. The results of such evaluation shall be promptly reported to the TBI which shall, in turn, promptly forward such evaluation to the appropriate district attorneys general. If the offender's risk of re-offense is deemed by the board to be low, then there shall be no notification other than the notification required by

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§40-39-106(a) and (b). If the offender's risk of re-offense is deemed by the board to be moderate, then the district attorney general for the offender's place of residence and the district attorney general for the offender's place of employment shall each notify appropriate organizations and entities, within their respective communities, which may reasonably be expected to experience direct contact with the offender under circumstances which could prove hazardous to individuals served, supervised or employed by, or belonging to, such organizations and entities. Such organizations and entities may include, but not necessarily be limited to, recreational facilities, church organizations, residential facilities, schools, youth organizations, retail establishments and child care institutions. If the offender's risk of re-offense is deemed by the board to be high, then the district attorney general for the offender's place of residence and the district attorney general for the offender's place of employment shall each, in addition to notifying appropriate organizations and entities within their respective communities, undertake additional means of notification designed to directly reach individuals within their respective communities who may be reasonably expected to experience direct contact with the offender under circumstances which could prove hazardous.

SECTION 4. Tennessee Code Annotated, Section 40-39-106(d), is amended by deleting the words and punctuation "officers and employees of the TBI;" and by substituting instead the following:

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district attorneys general, their officers and employees; members and employees  
of the sex offender treatment board; officers and employees of the TBI;

SECTION 5. If any provision of this act or the application thereof to any person  
or circumstance is held invalid, such invalidity shall not affect other provisions or  
applications of the act which can be given effect without the invalid provision or  
application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect on January 1, 1997.